



LAW OFFICES  
LIMITED LIABILITY PARTNERSHIP  
NEW YORK, NY  
LOS ANGELES, CA  
SAN FRANCISCO, CA  
WILMINGTON, DE

780 THIRD AVENUE  
34th FLOOR  
NEW YORK  
NEW YORK 10017-2024

TELEPHONE: 212/561 7700  
FACSIMILE: 212/561 7777

LOS ANGELES  
10100 SANTA MONICA BLVD.  
13th FLOOR  
LOS ANGELES  
CALIFORNIA 90067-4003

TELEPHONE: 310/277 6910  
FACSIMILE: 310/201 0760

SAN FRANCISCO  
150 CALIFORNIA STREET  
15th FLOOR  
SAN FRANCISCO  
CALIFORNIA 94111-4500

TELEPHONE: 415/263 7000  
FACSIMILE: 415/263 7010

DELAWARE  
919 NORTH MARKET STREET  
17th FLOOR  
P.O. BOX 8705  
WILMINGTON  
DELAWARE 19899-8705  
(Courier Zip Code 19801)

TELEPHONE: 302/652 4100  
FACSIMILE: 302/652 4400

WEB: [www.pszjlaw.com](http://www.pszjlaw.com)

Beth E. Levine

September 18, 2018

212.561.7720  
[blevine@pszjlaw.com](mailto:blevine@pszjlaw.com)

**BY EMAIL AND ECF FILING**

The Honorable Judge Shelley C. Chapman  
United States Bankruptcy Court  
One Bowling Green  
New York, NY 10004-1408

**Re: MacGreevey v. NYAM LLC, Adv. Pro. No. 17-01101 (SCC)**

Dear Judge Chapman:

We represent David MacGreevey, in his capacity as Plan Administrator of Runway Liquidation Holdings, LLC and its related debtors (the "Plaintiff"), the plaintiff in the above-referenced adversary proceeding (the "Adversary Proceeding"). We write pursuant to Bankruptcy Local Rule 7056-1(a) to request a pre-motion conference prior to the filing of a motion for partial summary judgment dismissing the defendant's second affirmative defense (the "Second Affirmative Defense") asserted by NYAM LLC ("NYAM") in the Adversary Proceeding.

**Issue to Be Presented**

Is NYAM's Second Affirmative Defense valid such that NYAM will be entitled to setoff its alleged unsecured claim against any judgment rendered against it in this Adversary Proceeding?

**Grounds for Relief**

Because NYAM assigned the invoices underlying its proof of claim to a third party, its factor, Hana Financial, Inc., there is no mutuality between those amounts and the royalty payments owed by NYAM to BCBG. Accordingly, Plaintiff respectfully submits that this Court should grant summary judgment dismissing the Second Affirmative Defense in its entirety.

PACHULSKI  
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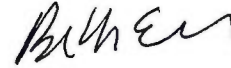
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We believe that the proposed partial summary judgment motion can be heard by this Court without further discovery. We are available to answer any questions the Court may have.

Respectfully submitted,



Beth E. Levine

BEL

cc: Michael Hamersky, Esq. (by email)